

Wayne E. Borgeest
Joan M. Gilbride
Robert A. Benjamin
KAUFMAN BORGEEST & RYAN LLP
200 Summit Lake Dr
Valhalla, New York 10595
(914) 741-6100 (Telephone)
(914) 741-0025 (Facsimile)
wborgeest@kbrlaw.com
jgilbride@kbrlaw.com
rbenjamin@kbrlaw.com

Attorneys for Axis Reinsurance Company

DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK

-----	X	
	:	
AXIS REINSURANCE COMPANY,	:	No. 07-CV-7924 (GEL)
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
PHILLIP R. BENNETT, et al.,	:	
	:	
Defendants.	:	

-----	X	
	:	
In re	:	Chapter 11
	:	
REFCO, INC., et al.,	:	Case No. 05-60006 (RDD)
	:	
Debtors.	:	Jointly Administered

-----	X	
	:	
AXIS REINSURANCE COMPANY,	:	Adv. Proc. No. 07-1712-RDD
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
PHILLIP R. BENNETT, et al.,	:	
	:	
Defendants.	:	

-----		X	
TONE N. GRANT, et al.,	:	:	Adv. Proc. 07-2005-RDD
	:	:	
Plaintiffs,	:	:	
v.	:	:	
	:	:	
AXIS REINSURANCE COMPANY,	:	:	
	:	:	
Defendant.	:	:	
-----		X	
LEO R. BREITMAN, et al.,	:	:	Adv. Proc. No. 07-2032-RDD
	:	:	
Plaintiffs,	:	:	
v.	:	:	
	:	:	
AXIS REINSURANCE COMPANY,	:	:	
	:	:	
Defendant.	:	:	
-----		X	
AXIS REINSURANCE COMPANY,	:	:	(1) No. 07-CV-9420-GEL
	:	:	(2) No. 07-CV-9842-GEL
Plaintiff,	:	:	(3) appeal not yet assigned
v.	:	:	
	:	:	
PHILLIP R. BENNETT, et al.,	:	:	
	:	:	
Defendants.	:	:	
-----		X	
TONE N. GRANT, et al.,	:	:	No. 07-CV-9843-GEL
	:	:	
Plaintiffs,	:	:	
v.	:	:	
	:	:	
AXIS REINSURANCE COMPANY,	:	:	
	:	:	
Defendant.	:	:	
-----		X	

AFFIDAVIT OF SERVICE

STATE OF NEW YORK)
) s.s.:
COUNTY OF WESTCHESTER)

1. ROBERT A. BENJAMIN, the undersigned deposes and says: I am over 18 years of age, am not a party in the above-captioned case, and am an attorney with the firm Kaufman Borgeest & Ryan LLP.

2. On November 28, 2007, I caused to be served a true and correct copy of the following documents to be served via (i) electronic mail notification to the parties listed on Exhibit A attached hereto, and (ii) overnight delivery to the party listed on Exhibit B attached hereto:

- Brief on Appeal from Bankruptcy Court Orders: (1) dismissing Axis's complaint without prejudice while retaining the counterclaims; and (2) granting summary judgment requiring Axis to advance defense costs prior to an adjudication of coverage; and
- Declaration of Joan M. Gilbride.

Dated: Valhalla, New York
November 28, 2007



ROBERT A. BENJAMIN

KAUFMAN BORGEEST & RYAN LLP
200 Summit Lake Drive
Valhalla, New York 10595
(914) 741-6100 (Telephone)
(914) 741-0025 (Facsimile)
rbenjamin@kbrlaw.com

EXHIBIT A

Gabriel Del Virginia
Law Offices of Gabriel Del Virginia
641 Lexington Avenue
21st Floor
New York, NY 10022
Gabriel.delvirginia@verizon.net

Michael F. Walsh
Greg A. Danilow
Paul A. Ferrillo
Paul Dutka
Weil Gotshal & Manges LLP
767 Fifth Avenue
New York, NY 10153
Michael.walsh@weil.com
Greg.danilow@weil.com
Paul.ferrillo@weil.com
Paul.dutka@weil.com

Norman L. Eisen
Zuckerman Spaeder LLP
1800 M Street, NW
Washington, DC 20036
neisen@zuckerman.com

Matthew R. Goldman
Wendy J. Gibson
Baker Hostetler LLP
3200 National City Center
1900 East Ninth Street
Cleveland, OH 44114-3485
mgoldman@bakerlaw.com
wgibson@bakerlaw.com

Helen B. Kim
Baker Hostetler LLP
333 South Grand Avenue, Suite 1800
Los Angeles, CA 90071-1523
hkim@bakerlaw.com

Richard Soto
Scott E. Hershman
Stephen R. Blacklocks
Hunton & Williams LLP
200 Park Avenue
New York, NY 10166
rsoto@hunton.com
shershman@hunton.com
sblacklocks@hunton.com

Stuart I. Friedman
Ivan O. Kline
Elizabeth D. Meacham
Friedman & Wittenstein
600 Lexington Avenue
New York, NY 10022
sfriedman@friedmanwittenstein.com
ikline@friedmanwittenstein.com
emeachem@friedmanwittenstein.com

Lisa L. Lambert
Office of United States Trustee
271 Cadman Plaza East, Suite 4529
Brooklyn, NY 11201
Lisa.l.lambert@usdoj.gov

Luc A. Despins
Milbank Tweed Hadley & McCloy LLP
1 Chase Manhattan Plaza
New York, NY 10005
ldespins@milbank.com

Richard Cashman
Heller Ehrman LLP
7 Times Square
New York, NY 10036
Holly.kulka@hellerehrman.com

J. Gregory Milmoe
Skadden, Arps, Slate, Meager & Flom LLP
4 Times Square
New York, NY 10036
jmilmoe@skadden.com

Steven Wilamowsky
Timothy B. DeSieno
Mark W. Deveno
Bingham McCutcheon LLP
399 Park Avenue
New York, NY 10022
Steven.wilamowsky@bingham.com
Tim.desieno@bingham.com
Mark.deveno@bingham.com

Donald S. Bernstein
Davis Polk & Wardwell
450 Lexington Avenue
New York, NY 10017
Dpw.refco@dpw.com

Robert M. Novick
Jeffrey R. Gleit
Kasowitz Benson Torres & Friedman LLP
1633 Broadway
New York, NY 10019
rnovick@kasowitz.com
jgleit@kasowitz.com

Susheel Kirpalani
Quinn Emanuel Urquhart Oliver & Hedges
LLP
51 Madison Avenue
New York, NY 10017
susheelkirpalani@quinnemanuel.com

Jeffrey T. Golenbock
Adam C. Silverstein
Golenbock Eiseman Assor Bell & Peskoe
LLP
437 Madison Avenue
New York, NY 10022
jgolenbock@golenbock.com
asolverstein@golenbock.com

Barbara Moses
Rachel Marissa Korenblat
Morvillo Abramowitz Grand Lason Anello &
Bohrer PC
565 Fifth Avenue
New York, NY 10017
bmoses@maglaw.com
rkorenblat@maglaw.com

Michael T. Hannafan
Blake Tyler Hannafan
Hannafan & Hannafan Ltd
One East Wacker Drive, Suite 1208
Chicago, IL 60601
mth@hannafanlaw.com
bth@hannafanlaw.com

Ona T. Wang
Baker Hostetler LLP
45 Rockefeller Plaza, 11th Floor
New York, NY 10111
owing@bakerlaw.com

Daniel J. Standish
Jonathan M. Jacobs
Cara T. Duffield
Wiley Rein LLP
1776 K Street, NW
Washington, DC 20006
dstandish@wileyrein.com
jjacobs@wileyrein.com
cduffield@wileyrein.com

Joseph L. Chairez
Baker Hostetler LLP
600 Anton Boulevard, Suite 900
Costa Mesa, CA 92626
jchairez@bakerlaw.com

Dylan G. Trache
Wiley Rein LLO
7925 Jones Branch Drive
McLean, VA 22102
dtrache@wileyrein.com

EXHIBIT B

Honorable Gerard E. Lynch
United States District Court for the
Southern District of New York
500 Pearl Street, Room 910
New York, NY 10007